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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

DARICK DABISH,  
Individually and on Behalf of All  
Others Similarly Situated,  
  
Plaintiff,

v.

INFINITELABS, LLC,  
  
Defendant.

) Case No: 13-CV-2048-BTM-DHB  
)  
) **DEFENDANT INFINITELABS, LLC'S**  
) **NOTICE OF MOTION AND MOTION**  
) **TO DISMISS COMPLAINT**  
)  
) [Memorandum of Points and Authorities  
) filed concurrently herewith; Proposed  
) Order lodged concurrently herewith]  
)  
) Proposed Date: January 31, 2014  
) Time: 11:00 a.m.  
) Judge: Hon. Barry T. Moskowitz  
) Courtroom: 15B (Annex)  
)  
) PER CHAMBERS NO ORAL  
) ARGUMENT UNLESS REQUESTED  
) BY THE COURT

)  
) Date Action Filed: September 3, 2013  
) Trial Date: None  
)

**TO ALL PARTIES AND THEIR ATTORNEY'S OF RECORD**

**PLEASE TAKE NOTICE THAT** on January 31, 2014, at 11:00 a.m. in Courtroom 15B of the above-captioned court, which is located at 333 West Broadway, San Diego, CA 92101, Defendant INFINITELABS, LLC ("Defendant") will, and hereby does, move for an order, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), granting Defendant's Motion to Dismiss Complaint.

Defendant's Motion is based upon this Notice, the Memorandum of Points and Authorities in Support thereof, Defendant's [proposed] Order, the pleadings and papers contained in the file of which the Court may take judicial notice, and upon any other evidence and argument that may be presented to this Court at the hearing on this matter, if any.

Dated: November 21, 2013.

Respectfully Submitted By:

/s/ Shyamie Dixit  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 21<sup>st</sup> day of November 2013, a true and correct copy of the foregoing has been served on the following counsel in the manner indicated:

/s/ Shyamie Dixit  
Shyamie Dixit, Attorney

**Via E-mail**

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